

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-against-

CHRISTOPER CHIERCHIO, JASON
KURLAND, FRANGESCO RUSSO, and
FRANCIS SMOOKLER,

Defendants.

MEMORANDUM & ORDER
20-CR-306 (NGG)

NICHOLAS G. GARAUFIS, United States District Judge.

On August 19, 2020, the court denied bail for Defendant Frangesco Russo, finding clear and convincing evidence that he poses a danger to the community. (*See* Order of Detention (Dkt. 32).) Mr. Russo now moves for reconsideration of that decision. (*See* Letter Mot. for Recons. of Bail Denial (Dkt. 42); Suppl. Letter in Supp. of Mot. for Recons. (Dkt. 44).)

“Reconsideration is not intended for the court to reexamine a decision or the party to reframe a failed motion.” *Fan v. United States*, 710 F. App’x 23, 24 (2d Cir. 2018) (citing *Questrom v. Federated Dep’t Stores, Inc.*, 192 F.R.D. 128, 130 (S.D.N.Y. 2000)). “[R]econsideration will generally be denied unless the moving party can point to controlling decisions or data that the court overlooked—matters, in other words, that might reasonably be expected to alter the conclusion reached by the court.” *United States v. Kenner*, 13-cr-607 (JFB), 2019 WL 6498699, at *11 (E.D.N.Y. Dec. 3, 2019) (quoting *Shrader v. CSX Transp.*, 70 F.3d 255, 257 (2d Cir. 1995)). The court finds no new information in Mr. Russo’s motion or in the accompanying exhibits to justify reconsideration of the determination that he poses a threat to the community which requires pre-trial detention. *See* 18 U.S.C. § 3142(e).

Accordingly, Mr. Russo's motion for reconsideration is DENIED.

SO ORDERED.

Dated: Brooklyn, New York
September 14, 2020

/s/ Nicholas G. Garaufis
NICHOLAS G. GARAUFIS
United States District Judge